

2009 DRAFTING REQUEST**Bill**Received: **09/18/2008**Received By: **gmalaise**Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**By/Representing: **Stinebrink**This file may be shown to any legislator: **NO**Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Children - out-of-home placement**

Extra Copies:

Submit via email: **NO****Pre Topic:**

DOA:.....Stinebrink, BB0074 -

Topic:

Subsidized guardianship payments

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 09/18/2008	jdye 09/22/2008					
/P1			phenry 09/22/2008		lparisi 09/22/2008		
/1	gmalaise 09/22/2008	jdye 09/23/2008	rschluet 09/23/2008		lparisi 09/23/2008		

FE Sent For:

<END>

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/?	gmalaise 09/18/2008	jdyer 09/22/2008					
/P1	gmalaise 1/9/23 jld	phenry 09/22/2008			lparisi 09/22/2008		

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2009 DRAFTING REQUEST**Bill**Received: **09/18/2008**Received By: **gmalaise**Wanted: **As time permits**

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For: **Children and Families 240-5405**By/Representing: **Bob Nikolay**This file may be shown to any legislator: **NO**Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Children - out-of-home placement**

Extra Copies:

Submit via email: **YES**Requester's email: **robert.nikolay@wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Subsidized guardianship payments

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 09/18/2008	jdye 09/22/2008		_____			
/P1			phenry 09/22/2008	_____	lparisi 09/22/2008		

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By/Representing: Bob Nikolay

This file may be shown to any legislator: NO

Drafter: gmalaise

May Contact:

Addl. Drafters:

Subject: Children - out-of-home placement

Extra Copies:

Submit via email: YES

Requester's email: robert.nikolay@wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

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Topic:

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/?	gmalaise	PI 9/22/08	g bz psh	g bz psh			

FE Sent For:

<END>

2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Subsidized Guardianship Payments
- Tracking Code: BB0074
- SBO team: Education, Children & Families
- SBO analyst: Cory Stinebrink
 - Phone: 266-8219
 - Email: Cory.Stinebrink@Wisconsin.gov
- Agency acronym: DCF
- Agency number: 437
- Priority (Low, Medium, High): High

PJK

Intent:

Change the appropriation from which subsidized guardianship payments are made from the appropriations under ss.30.437(1)(cx) and (1)(mx) to the appropriations under ss.20.437(1)(dd) and (1)(pd)

Malaise, Gordon

From: Hanaman, Cathlene
Sent: Tuesday, September 16, 2008 8:58 AM
To: Malaise, Gordon; Kahler, Pam; Ryan, Robin; Dodge, Tamara
Subject: FW: DCF 2009-11 Statutory Language Requests

Attachments: BB 09-11CCQuality%StatutoryModifications.doc; BB 09-11 AFDC Payment approp. Stat.doc; BB 09-11 Child Support Distribution. Stat.doc; BB 09-11 Dept. Appr. Restruct. Stat. doc.doc; BB 09-11 EA Statutory Modifications.doc; BB 09-11 Fraud Collections stat2.doc; BB 09-11 Subsidized Guardianship.doc; BB 09-11 TANF CC Allocations.doc

Gordon, Pam, Robin, and Tami:

I did not open any of these so I have no idea if I should have expanded my list of email recipients. Feel free to forward to others or tell me to do so.

If you prefer, I can print them if that makes it easier for you to claim. Let me know if you don't like this e-mail forward method.

-C

From: Nikolay, Robert A - DCF [<mailto:Robert.Nikolay@wisconsin.gov>]
Sent: Tuesday, September 16, 2008 7:38 AM
To: Hanaman, Cathlene
Subject: DCF 2009-11 Statutory Language Requests

Attached are the Department of Children and Families' statutory language requests for the 2009-11 biennial budget. We will work with DOA on reviewing the drafts as they are produced.



BB



BB 09-11 AFDC



BB 09-11 Child
Support Distrib...



BB 09-11 Dept.
Appr. Restruct....



BB 09-11 EA
Statutory Modifica...



BB 09-11 Fraud
Collections sta...



BB 09-11 Subsidized
Guardiansh...



BB 09-11 TANF CC
Allocations.d...

Statutory Modifications

Department of Children and Families 2009-11 Biennial Budget

DIN: 5301

Topic: Subsidized Guardianship Payments

Description of Change:

Change the appropriation from which subsidized guardianship payments are made from the appropriations under ss. 20.437(1)(cx) and (1)(mx) to the appropriations under ss. 20.437(1)(dd) and (1)(pd)

Requested Change:

Amend ss. 20.437(1)(dd) and (1)(pd) as follows:

(dd) *State foster care and adoption services.* The amounts in the schedule for foster care, treatment foster care, institutional child care and subsidized adoptions under ss. 48.48 (12) and 48.52, for the cost of care for children under s. 49.19 (10) (d), for the cost of subsidized guardianship payments under s. 48.62 (5), for the cost of the foster care monitoring system, for the cost of providing, or contracting with private adoption agencies to assist the department in providing, services to children with special needs who are under the guardianship of the department to prepare those children for adoption and for the cost of providing post-adoption services to children with special needs who have been adopted.

(pd) *Federal aid; state foster care and adoption services.* All federal moneys received for meeting the costs of providing foster care, treatment foster care, institutional child care, and subsidized adoptions under ss. 48.48 (12) and 48.52, the cost of care for children under s. 49.19 (10) (d), for the cost of subsidized guardianship payments under s. 48.62 (5), for the cost of providing, or contracting with private adoption agencies to assist the department in providing, services to children with special needs who are under the guardianship of the department to prepare those children for adoption, and the cost of providing postadoption services to children with special needs who have been adopted. Disbursements for foster care under s. 49.32 (2) and for the purposes described under s. 48.627 may be made from this appropriation.

Amend s. 48.48(17)(c)4 to delete the reference to subsidized guardianship home under 48.62(5).

Amend 48.62(5)(d) as follows:

(d) The department..... If the waiver is approved for a county having a population of 500,000 or more, the department shall provide the monthly payments under par. (a) from the appropriations under s. 20.437 ~~(1)(cx), (gx), (kw), and (mx)~~ (dd) and (pd). If the waiver is

approved for any other county, the department shall determine which counties are authorized to provide monthly payments under par. (a) or (b), and the county departments of those counties shall provide those payments from moneys received under s. 48.569 (1) (d).

Justification:

Subsidized Guardianship placements are not technically an out-of-home care placement, but a payment to guardians after a permanent placement has been reached. The subsidized guardianship payments are managed by the Division of Safety and Permanence central office along with Adoption Assistance payments. Since the payments are managed by the adoption assistance unit, it will be more efficient to issue subsidized guardianship payments from the adoption assistance appropriation so all payments issued by the central office run through a central office appropriation.

In addition, once the child and relative caregiver have been converted to subsidized guardianship, the Bureau of Milwaukee Child Welfare case is closed. Having the Subsidized Guardianship payments continue to come out of the Bureau of Milwaukee Child Welfare appropriations complicates fiscal management of the Bureau of Milwaukee Child Welfare out-of-home care budget since the Subsidized Guardianship payments are not open to Bureau of Milwaukee Child Welfare case management.

Desired Effective Date: Upon passage of bill



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0292/?

GMM:.....

Agency Budget Draft

Jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

x

don't gen

1

AN ACT ...; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES ✓

CHILDREN ✓

Under current law, a county department of human services or social services (county department) or, in Milwaukee County, DCF may provide monthly subsidized guardianship payments to a person who is appointed as the guardian of a child in need of protection or services; was the licensed foster parent or treatment foster parent of the child before that appointment; has passed a home inspection and criminal background investigation; and has entered into a subsidized guardianship agreement with the county department or DCF. Currently, DCF is required to make those payments in Milwaukee County from moneys appropriated for Milwaukee child welfare services. This bill requires DCF to make those payments in Milwaukee County from moneys appropriated for state foster care and adoption services.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2

SECTION 1. 20.437 (1) (dd) ^x of the statutes is amended to read:

3

20.437 (1) (dd) State foster care, guardianship ✓ and adoption services. The

4

amounts in the schedule for foster care, treatment foster care, institutional child

1 care, and subsidized adoptions under ss. 48.48 (12) and 48.52, for the cost of care for
2 children under s. 49.19 (10) (d), for the cost of [✓]subsidized guardianship payments
3 under s. 48.62 (5) [✓], for the cost of the foster care monitoring system, for the cost of
4 providing, or contracting with private adoption agencies to assist the department in
5 providing, services to children with special needs who are under the guardianship
6 of the department to prepare those children for adoption, and for the cost of providing
7 postadoption services to children with special needs who have been adopted.

History: 2007 a. 20 ss. 331, 335, 340, 341, 342, 344 to 352, 354 to 368g, 374 to 376, 380, 381, [✓]401, 404, 405, 423 to 437, 447, 448, 450, 451, 453, 453p, 454, 456 to 458, 460e, 463, 465 to 472, 474 to 480, 9121 (6) (a).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8 **SECTION 2.** 20.437 [✓](1) (pd) of the statutes is amended to read:

9 20.437 (1) (pd) *Federal aid; state foster care, guardianship, [✓]and adoption*
10 *services.* All federal moneys received for meeting the costs of providing foster care,
11 treatment foster care, institutional child care, and subsidized adoptions under ss.
12 48.48 (12) and 48.52, the cost of care for children under s. 49.19 (10) (d), the cost of
13 subsidized guardianship payments under s. 48.62 (5) [✓], the cost of providing, or
14 contracting with private adoption agencies to assist the department in providing,
15 services to children with special needs who are under the guardianship of the
16 department to prepare those children for adoption, and the cost of providing
17 postadoption services to children with special needs who have been adopted.
18 Disbursements for foster care under s. 49.32 (2) and for the purposes described under
19 s. 48.627 may be made from this appropriation.

History: 2007 a. 20 ss. 331, 335, 340, 341, 342, 344 to 352, 354 to 368g, 374 to 376, 380, 381, 401, 404, [✓]405, 423 to 437, 447, 448, 450, 451, 453, 453p, 454, 456 to 458, 460e, 463, 465 to 472, 474 to 480, 9121 (6) (a).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

20 **SECTION 3.** 48.48 (17) (c) 4. [✓]of the statutes is amended to read:

1 48.48 (17) (c) 4. Is living in a foster home, treatment foster home, group home,
2 ~~or~~ [✓] residential care center for children and youth, [✓] ~~or subsidized guardianship home~~
3 ~~under s. 48.62 (5).~~

History: 1973 c. 90, 333; 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 354, 418, 447, 449; 1979 c. 34 ss. 833m, 834, 2102 (20) (a); 1979 c. 221, 300; 1983 a. 27 s. 2202 (20); 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 135, 176; 1985 a. 332 s. 251 (3); 1987 a. 339; 1989 a. 31, 107, 359; 1991 a. 316; 1993 a. 16, 375, 385, 446, 491; 1995 a. 27 ss. 2526 to 2534m, 9126 (19), 9145 (1); 1995 a. 77; 1997 a. 27, 35, 80, 105, 298; 1999 a. 9; 2001 a. 38, 59, 69; 2005 a. 25, 293; 2007 a. 20.

4 **SECTION 4.** 48.62 (5) (d) of the statutes is amended to read:

5 48.62 (5) (d) The department shall request from the secretary of the federal
6 department of health and human services a waiver of the requirements under 42
7 USC 670 to 679a that would authorize the state to receive federal foster care and
8 adoption assistance reimbursement under 42 USC 670 to 679a for the costs of
9 providing care for a child who is in the care of a guardian who was licensed as the
10 child's foster parent or treatment foster parent before the guardianship appointment
11 and who has entered into a subsidized guardianship agreement with the county
12 department or department. If the waiver is approved for a county having a
13 population of 500,000 or more, the department shall provide the monthly payments
14 under par. (a) from the appropriations under s. 20.437 (1) ~~(ex), (gx), (kw), and (mx)~~
15 ~~(dd) and (pd).~~ [✓] If the waiver is approved for any other county, the department shall
16 determine which counties are authorized to provide monthly payments under par.
17 (a) or (b), and the county departments of those counties shall provide those payments
18 from moneys received under s. 48.569 (1) (d).

History: 1977 c. 354 s. 101; 1977 c. 418, 447; 1981 c. 20; 1985 a. 29 s. 3202 (23); 1985 a. 176, 281, 332, 403; 1989 a. 31, 336; 1993 a. 395 ss. 31m, 39; 1993 a. 437 s. 67; 1993 a. 446 ss. 79 to 82, 134m; 1993 a. 491; 1995 a. 275; 1997 a. 27, 334; 1999 a. 9; 2001 a. 69; 2005 a. 25, 232, 387; 2007 a. 20 ss. 810, 1322, 1323; s. 13.93 (2) (c).

19 **(END)**



DOA...

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In 9/22
(convert to DOA - no changes)

do not gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

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~~under s. 48.62 (5).~~

SECTION 4. 48.62 (5) (d) of the statutes is amended to read:

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(END)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0292/1
GMM:jld:rs

DOA:.....Stinebrink, BB0074 - Subsidized guardianship payments
FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

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Analysis by the Legislative Reference Bureau

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